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Peter Meldrum, Who Lost a Fight to Patent Genes, Dies at 71

By **Neil Genzlinger**

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Peter D. Meldrum, who led the biotech company Myriad Genetics for 23 years, when it was at the heart of a landmark court battle involving whether two genes associated with breast cancer could be patented, died on Dec. 20 in Salt Lake City. He was 71.

A spokesman for the company said the cause was a head injury sustained when he fell while playing touch football with his grandchildren.

Mr. Meldrum and Mark Skolnick founded Myriad Genetics in 1991, and Mr. Meldrum became its chief executive officer the next year, taking it from a small start-up to a publicly traded company that by the time he retired in 2015 had annual revenues of more than \$700 million. Its most visible product during that time was a test for mutations in the BRCA1 and BRCA2 genes that could indicate a heightened risk of breast and ovarian cancer.

The company had been granted patents on those genes, which, working with several partners, it had isolated after Mary-Claire King, then at the University of California, Berkeley, had traced it to a particular chromosome in 1990.

Those patents, which the company vigorously defended during Mr. Meldrum's tenure, enabled Myriad to monopolize the testing for mutations in the genes. A coalition of groups, including the Association for Molecular Pathology and the American Civil Liberties Union, challenged the patents in court, arguing that a part of the human body could not be patented and that Myriad's monopoly was stifling research, inflating the cost of the test and preventing many women from getting tested.

After years of back-and-forth rulings in lower courts, in June 2013 the Supreme Court invalidated the patents, ruling 9-0 that human genes, as opposed to those created synthetically, could not be patented.

"A naturally occurring DNA segment is a product of nature and not patent eligible merely because it has been isolated," Justice Clarence Thomas wrote for the court. "It is undisputed that Myriad did not create or alter any of the genetic information encoded in the BRCA1 and BRCA2 genes."

By that time, though, the company was moving toward a more comprehensive genetic test and had developed tests in other areas like colon cancer and rheumatoid arthritis.

Peter Durkee Meldrum was born on June 26, 1947, in Salt Lake City to Benjamin and Grace Durkee Meldrum. He received a bachelor's degree in chemical engineering in 1970 from the University of Utah, where he was on the cross-country team. After two years in the Army as a radiological officer, he returned to the university for graduate school, receiving a master's degree in business administration in 1974.

Mr. Meldrum married Catherine Marie Roper in 1970. She survives him, as do a son, Christopher; a brother, Daniel; and three grandsons.

He started a venture capital firm, Founders Fund. In 1991 he joined forces with Dr. Skolnick, a genetics researcher and professor at the university, to start Myriad.

"The vision for the company was that we saw a paradigm shift in medicine," Mr. Meldrum said in 2009, when he was inducted into the Utah Technology Council's Hall of Fame. The shift was from treating diseases to preventing them, using the newly emerging tools of genetics.

"I told Mark when we started Myriad that the odds of us being successful were one in 10 in the technology field," Mr. Meldrum recalled in 2016, "so this was probably going to go nowhere. But I told him it's a fascinating science and it's going to be fun."

In response to critics of the BRCA patents, Mr. Meldrum and others argued that the ability to secure such patents was vital to encouraging biotech companies to pursue research.

"Obviously, it's not only important for Myriad but to the biotechnology and agriculture industries to reinforce the fact that you can get patents on genes," Mr. Meldrum said in 2011, when an appeals court ruled in the company's favor in the case that eventually went to the Supreme Court. "That will only encourage innovation and development of products that can save lives and improve the quality of lives."

As for the cost issue, he argued in a letter to the editor printed in The New York Times in 2013 that insurance made the cost of the test — about \$3,000 at the time — negligible for most women, and that the company also had a patient assistance program that paid much or all of the cost for eligible women. More than a million women had used the company's test at that point, the letter said.

In addition to his work at Myriad, Mr. Meldrum served on the boards of arts organizations like Ballet West and was noted for his philanthropic efforts on behalf of the arts. After retiring, he was chairman of the Meldrum Foundation, a family charity that supports the arts, education and humanitarian efforts.